

REMARKS

Status of the claims

Claims 1, 2, 5, 6, 8-19, 24-33 and 87-113 are presently pending in the application. Claims 1, 11, 14 and 16 have been amended to correct typographical errors. Since these amendments raise no new questions of patentability, entry thereof is requested.

Applicants acknowledge withdrawal of all previous rejections under 35 U.S.C. §112 first and second paragraphs. Applicants also acknowledge withdrawal of the rejection under the doctrine of obviousness-type double patenting over co-owned U.S. Patent No. 6,599,692.

Provisional Double Patenting Rejection: USSN 09/941,450

Claims 1, 9; 10-12, 14-16, 87 and 92 stand provisionally rejected under the doctrine of obviousness-type double patenting over claims 4, 9, 11 and 13-22 of co-owned USSN 09/941,450. Office Action, paragraph 9.

In response, and solely for the statutory purpose of removing this rejection (MPEP 804.02.II), a Terminal Disclaimer over USSN 09/941,450 is attached to this response. Accordingly, this rejection can be withdrawn.

Provisional Double Patenting Rejection: USSN 09/942,090

Claims 1, 2, 8-12, 14-16, 87, 90, 92-94, 96, 97, 102, 104 and 106 stand provisionally rejected under the doctrine of obviousness-type double patenting over claims 1, 9, 11, 13, 14, 18-22, 23 and 26 of co-owned USSN 09/942,090. Office Action, paragraph 8.

In response, Applicants note that each of the present application and USSN 09/942,090 has received a provisional obviousness-type double patenting rejection over the other.¹ Inasmuch as this provisional obviousness-type double patenting rejection over USSN 09/942,090 is the only rejection remaining in the present application, Applicants request that the double patenting rejection over USSN 09/942,090 be withdrawn from the present application, and that the present application be allowed to issue. *See* MPEP

¹ See Office Action mailed January 2, 2004, Paragraph 19, in USSN 09/942,090.

804.I.B. Applicants will address the remaining double patenting rejection in USSN 09/942,090 during their prosecution of that application.

CONCLUSION

Applicants believe that all pending claims are in condition for allowance and look forward to early notification to that effect.

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